

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CINDY D. BUTTS,

Plaintiff,

v.

**ANDREW SAUL,
Commissioner of Social Security,¹**

Defendant.

Case No. CIV-17-206-G

ORDER

On June 6, 2019, the Court entered an Order and a Judgment reversing the decision of the Social Security Administration and remanding this case for further proceedings. *See* Op. & Order (Doc. No. 24); J. (Doc. No. 25). Now before the Court is Plaintiff Cindy D. Butts' Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Pl.'s Mot. (Doc. No. 26). Defendant has notified the Court that he has no objection to Plaintiff's request. *See* Def.'s Resp. (Doc. No. 27).

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Accordingly, the Court GRANTS Plaintiff's request and awards fees in the amount of \$5333.70, with said amount to be paid directly to Plaintiff

¹ The current Commissioner is hereby substituted as Defendant pursuant to Federal Rule of Civil Procedure 25(d).

and sent in care of Marianna E. McKnight, 2448 E. 81st St., Suite 2038, Tulsa, Oklahoma, 74137. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff in accordance with *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 19th day of September, 2019.



CHARLES B. GOODWIN
United States District Judge